

Appln. No. 10/764,395

Amendment dated November 1, 2004

Reply to Office Action mailed July 1, 2004

### **REMARKS**

Reconsideration is respectfully requested.

Claims 1 through 7, 9 through 14, and 16 through 20 remain in this application. Claims 8 and 15 have been cancelled. No claims have been withdrawn. Claims 21 and 22 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

#### **Paragraph 1 of the Office Action**

The drawings have been objected to.

The above amendment to the "Brief Description of the Drawings" of the specification is submitted to clarify that the numeral "5" in Figure 2 of the drawings is an indication of the portion of the showing in Figure 2 that is shown (in an enlarged manner) in Figure 5 of the drawings. The clarification in the brief description of Figure 2 is submitted to overcome this objection.

It is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

#### **Paragraphs 2 through 10 of the Office Action**

Claims 1 and 8 through 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bazemore et al.

Claims 2 through 4 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bazemore et al. in view of Devlin.

Claim 5 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bazemore et al. in view of Slaughter.

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Claims 6 and 7 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bazemore et al. in view of Spitler.

Claims 12 and 13 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bazemore et al. in view of Young.

Claims 14 through 18 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bazemore et al. in view of Devlin, Slaughter and Spitler.

Claims 19 and 20 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bazemore et al. in view of Devlin, Slaughter and Spitler as applied to claims 14-18 above, and further in view of Young.

Claims 1 and 14, particularly as amended, each require "a lid member removably mountable on said interior bowl member and said exterior bowl member, a serving aperture extending through said lid member such that contents of said interior bowl member is accessible without removing any portion of said lid member from mounting on said bowl members".

The Bazemore patent shows a salad bowl that includes a lid 14 which includes first and second lid portions 44 and 46 that are separated by a living hinge, and thus one of the lid portions is dismountable from a portion of the rim of the bowl and is then pivotable upwardly from the bowl while the other lid portion remains in place on the rim of the bowl. It is submitted that this partially removable lid does not meet the requirements of claims 1 and 14 as amended, as the Bazemore lid does not have an aperture that *extends through* the lid because Bazemore requires partial removal of the lid (one portion of the lid must be removed from the bowl) to gain such access to the contents of the bowl, and this is not "accessible *without removing any portion of said lid member* from mounting on said bowl members". Moreover, simply removing a portion of a lid from a bowl

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does not create an aperture in that lid, but merely an unobstructed portion of the upper opening of the bowl. Note the Bazemore patent at col. 4, lines 42 through 54, where it states (emphasis added):

The lid 14 also includes a hinged portion 42 that substantially bisects the lid 14 and thereby divides it into first and second lid portions 44 and 46, respectively. As seen most clearly in FIG. 2, the hinged portion 42 preferably consists of an upstanding fold 48 in the material (e.g., a resilient plastic) from which the lid 14 is constructed. The hinged portion 42 enables either of the first or second lid portions 44 or 46 to be removed from contact with the rim 20, via rotation about the hinged portion 42, for access to the contents of the interior bowl 12, while the other of the lid portions 44 or 46 remains sealed to the rim 20.

It is therefore submitted that the Bazemore patent would not lead one of ordinary skill in the art to the claimed invention of claims 1 and 14.

Also, claims 10 and 15 each require "means for selectively closing said serving aperture on said lid member, said means for closing having a closed position and an open position". Further, claims 11 and 18 each require "a cover assembly being coupled to said lid member, said cover assembly being positioned over said serving aperture of said lid member such that said cover assembly is movable between a closed position and an open position, said open position permitting access to food articles in said interior bowl member through said serving aperture, said closed position selectively limiting access to the food articles in said interior bowl member through said serving aperture.". Claims 12 and 19 each require "said cover assembly comprising a dome member and a shell member, said dome member being coupled to said lid member such that said dome member is positioned over a portion of said serving aperture of said lid member, said shell member being pivotally coupled to said lid member such that said shell member is for selectively covering the portion of said serving aperture not covered by said dome member, said shell member being nested with said dome member to permit access to said serving aperture when said shell member is pivoted with respect to said lid member", while claims 13 and 20

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each require "said dome member of said cover assembly being substantially hemispherical shaped, said shell member of said cover assembly being substantially hemispherical shaped, said shell member having a radius less than a radius of said dome member such that said shell member is pivotable inside said dome member when said shell member is pivoted with respect to said lid member". It is contended in the rejection of the Office Action that one of ordinary skill in the art would have found it obvious to combine the teaching of the Young patent on a "closure for garbage cans" with the Bazemore "salad bowl". However, it is submitted that one of ordinary skill in the art, considering the Bazemore patent on salad bowls would not look to the Young patent on "garbage cans" for instruction on how to form a lid on a salad bowl, particularly as the lid of the Bazemore patent lacks any aperture that could be closed by the Young structure. It is submitted that one of ordinary skill in the art, considering pivotally connected first and second lid portions of Bazemore, would not understand how to integrate the closure on the Bazemore lid without completely destroying the pivotability of the lid portions with respect to each other. Moreover, such a combination would violate one of the objects of the Bazemore patent set forth at col. 3, lines 39 through 41:

A still further object of the invention is the provision of such a salad bowl that is simple in construction and, therefore, inexpensive to manufacture.

In light of the foregoing, it is submitted that the closure of Young is not merely "an alternative means" for closing an alleged "aperture" in the lid of the Bazemore, but would require a complete abandonment of the two portion lid of the Bazemore patent.

It is therefore submitted that the cited references, and especially the allegedly obvious combination of Bazemore, Devlin, Slaughter, Spitler, and Young set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by the claims, and

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therefore the claims are submitted to be in condition for allowance.

Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 7, 9 through 14, and 16 through 22 is therefore respectfully requested.

### CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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By



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Nov. 1, 2004

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